

**LAW OFFICES OF
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• Robert B. Fisher

• Past President - Seminole County
Bar Association
• Past President - Central Florida
Association of Criminal Defense
Lawyers
• Member Board of Directors -
Florida Association of Criminal
Defense Lawyers

September 29, 2005

Chan Muller, Esquire
Via Fax 407-645-3000

RE: Inquiry Concerning Judge Alan C. Todd
Case Number SC04-1655

Dear Chad:

I am writing this letter to demonstrate my support for County Judge Alan Todd.

Let me initially mention that I have now had an opportunity to review the complaint that is pending before your committee.

Additionally, I think it would be helpful for you to know a little bit about me in your assessment of this letter.

I was admitted to the Florida Bar in 1980 and have practiced continuously (approximately 26 years) in the criminal justice arena; I served as an Assistant Public Defender in the Eighteenth Judicial Circuit, Seminole County office, for approximately 18 months, before I was hired by the State Attorney's Office in the same county, where I remained for approximately 2 years.

I then entered private practice with the law firm of Cleveland and Bridges (later Cleveland, Bridges and Gray), but when Norm Wolfinger, the current elected State Attorney for the Eighteenth Circuit, with whom I worked in the Public Defender's Office when he was the Chief Assistant, was elected State Attorney, he hired me to work for him, where I remained for an additional 6 years; in essence I spent 8 years of my career as a prosecutor, 18 months as an Assistant Public Defender, approximately 18 months as a private criminal defense practitioner, and since I entered private practice in 1990, I have been self-employed.

When I was a prosecutor, I dealt with Alan Todd on a regular basis because he was in private practice and was engaged in criminal defense work.

For the last (approximately) 16 years, by virtue of my having been engaged in the private practice of law in the criminal defense arena, I have had cases assigned to Judge Todd and have litigated those matters in front of him.

While not ruling in my favor all the time, I can honestly say that I have always been treated with respect, have always been given an opportunity to be heard on behalf of my clients, and have always left his courtroom feeling that my clients have received fair treatment.

I also would suggest to you that if you asked prosecutors and criminal defense practitioners to name the Judges in the Central Florida community with the best demeanor, Judge Todd would be on everybody's top 10 list, and the overwhelming majority of everyone's top 5 list.

While in no fashion criticizing or condoning the conduct in which he has alleged to have engaged, the purpose of my letter is to indicate to you that as far as I know, if it happened, it would appear to me to be an isolated incident for which I know he has shown remorse, and, in my opinion, should not act as a career ending event.

I want to thank you in advance for your attention and cooperation in having reviewed this document, and offer to be available if anyone would like to discuss the above-noted matter further with me.

Sincerely,


ROBERT B. FISHER

10/5/05

RBF/tde

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,
NUMBER 04-53, ALAN C. TODD

CASE NO. SC04-1655

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

BEFORE ME, a Notary Public for the State of Florida, personally appeared,
ROBERT B. FISHER, who, after being first duly sworn, deposes and says that:

1. I am over the age of eighteen (18) years.
2. I am a resident of the State of Florida.
3. On 9/29, 2005, I wrote a letter on behalf of The Honorable Alan C. Todd, County Judge, in and for Orange County, Florida, and attached to this Affidavit is a copy of my said letter. What I indicated in my letter was true and at that time, and is currently still true.


ROBERT B. FISHER

The foregoing instrument was acknowledged before me this 5 day of October, 2005 by Robert B. Fisher.


NOTARY PUBLIC

State of Florida

☒ Affiant is personally known to me.

☐ Affiant produced his Florida Drivers License, No. _____ as proof of identification.



BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,
NUMBER 04-53, ALAN C. TODD

CASE NUMBER: SC04-1655

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF ORANGE)

BEFORE ME, a Notary Public for the State of Florida,
personally appeared STUART HYMAN, who, after being first duly
sworn, deposes and says that:

1. I am over the age of eighteen (18) years.

2. I am a resident of the State of Florida.

3. On July 15, 2004, I wrote a letter on behalf of The
Honorable Alan C. Todd, County Judge, in and for Orange County,
Florida and attached to this Affidavit is a copy of my said letter.
What I indicated in my letter was true at that time, and is
currently still true.



SWORN TO AND SUBSCRIBED
this 11 day of October, 2005.


NOTARY PUBLIC

Personally Known ☒ Produced I.D. ()

Type of I.D. Produced: _____



Victoria Fantauzzi
My Commission DD217834
Expires August 18, 2007

LAW OFFICE OF
STUART I. HYMAN, P.A.

TELEPHONE
(407) 896-0536
FAX
(407) 896-0540
TOLL FREE
1-800-896-0536

1520 E. AMELIA STREET
ORLANDO, FLORIDA 32803-5490

July 15, 2004

Chandler Muller, Esquire
1150 Louisiana Avenue
Suite 2
Winter Park, Florida 32789

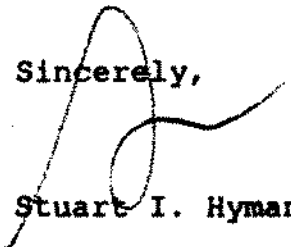
Dear Chan:

As a practicing attorney for 24 years in the Central Florida area, I have come to know Judge Alan Todd as both a practicing attorney and a County Court Judge. I've had occasion to appear before Judge Todd on many occasions since my primary practice is in the area of criminal law with a substantial portion in the area of traffic law. These types of cases bring me in contact with Judge Todd many times on a daily basis. I have found Judge Todd to be what I describe a people judge. Much of the disrespect for our judicial system is the fact that many judges show a callous disregard for the circumstances that bring people before them. Judge Todd is a judge who considers all of the circumstances surrounding an event in an attempt to determine why the event happened by many times conversing with the individuals that appear before him. It is this respect that he gives to these individuals by conversing with them through their counsel and personally that I most admire. Many of these individuals are first time offenders who have never dealt with the judicial system before. As a result of their contact with Judge Todd, I believe they come away with a greater understanding of how the system works and that the system can be compassionate in the appropriate circumstances.

I have had more than one client come away from a sentencing with Judge Todd, even where he has imposed penalties greater than what the State was asking, who felt that they were judged by an individual who they described to be a very fair and just man. Without knowing all the facts of the allegations that involve Judge Todd, it is my belief that any indiscretion, if any, that was committed is substantially outweighed by all of the positive and good that Judge Todd has done for the judicial system. This is a man who even if he believes something different than the person who is appearing before him is respectful enough to attempt to understand that person's position and take it into consideration as

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,


Stuart I. Hyman

SIH/vf

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,
NUMBER 04-53, ALAN C. TODD

CASE NUMNER SC04-1655

AFFIDAVIT

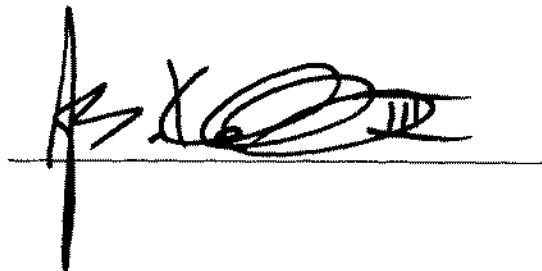
STATE OF FLORIDA)

COUNTY OF ORANGE)

BEFORE ME, a Notary Public for the State of Florida, personally
appeared James Burnett Kelly who, after being first duly sworn, deposes and says
that:

1. I am over the age of eighteen (18) years.
2. I am a resident of the State of Florida.
3. On September 29 2005, I wrote a letter on behalf of The Honorable

Alan C. Todd, County Judge, in and for Orange County, Florida, and attached to this
Affidavit is a copy of my said letter. What I indicated in my letter was true at that time,
and is currently still true.



SWORN TO AND SUBSCRIBED before me by
James Burnett Kelly this 29
day of September, 2005.

NOTARY PUBLIC-State of Florida at Large
My Commission expires: 09/21/09
Printed or Typed Name: Jesmin Cortes
Personally Known ☒ Produced I.D. ☐
Type of I.D. Produced: 1
Took Oath: ☒ Yes ☐ NO

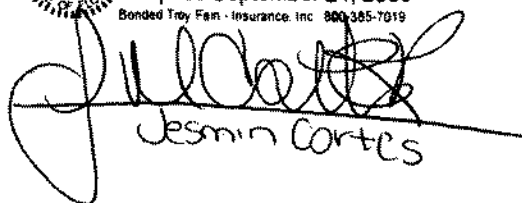


Jesmin Cortes

Commission # DD474466

Expires September 21, 2009

Bonded Troy Fan - Insurance, Inc. 800.385-7019



Jesmin Cortes

SALAZAR & KELLY LAW GROUP, P.A.

Attorneys and Counselors at Law

September 29, 2005

Fla. Judicial Qualifications Commission
1904 S. Holly Lane
Tampa, Florida 33629

Chandler Muller, Esquire
Muller & Sommerville, P.A.
1150 Louisiana Avenue, Suite 2
Winter Park, Florida 32789

RE: Inquiry Concerning a Judge,
No. 04 53 Honorable Alan C. Todd

Dear Sir(s) and/ or Madame(s):

My name is James Burnett Kelly, III. I am a graduate of Palatka High School, Florida A & M University, and the University of Florida's Colleges of Law and Business Administration. I am also an attorney licensed to practice in the State of Florida. I am a shareholder in a small firm and my firm primarily practices in the Central Florida area.

I first met Judge Alan C. Todd when employed as an Assistant State Attorney in the Ninth Judicial Circuit. My first assignment was before Judge Todd while assigned to the misdemeanor/traffic division. Judge Todd's division was a place that I will always remember because he took the extra time to make me feel comfortable while teaching me practical skills on how to be a good lawyer.

During my tenure in Judge Todd's courtroom I came to know him as a fair, witty, and concerned jurist. As a young Black attorney, new to the practice of law in Central Florida, I always felt comfortable practicing law before Judge Todd. I never experienced a hint of racism, sexism, or improper comments, innuendos, or anything of the like before Judge Todd.

Judge Todd was known for giving an hour plus arraignment speech where he would actually explain to Defendants the difference between the various pleas and dispositions that they might face. He would share with them the rich history for the common law as it began in early Europe. Sometimes the deputies would yawn and make smart comments because they had heard parts of his speech before but Judge Todd would do what was always right. The deputies would also infer that Judge Todd was just wasting his time because such individuals were not capable of being helped. He was not the type of Judge to go along with law

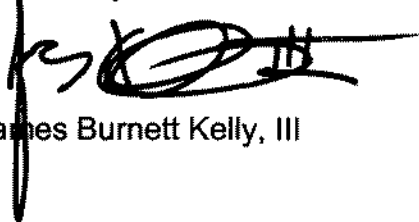
2587 North Orange Blossom Trail • Kissimmee, Florida 34744 • Telephone 407. 483.0500 • Facsimile 407. 944.4250

enforcement just because law enforcement felt like they had the best idea of how things should be. Upon reading the notice of formal charges alleged against Judge Todd, I can not accept that they are accurate. Without knowing more of the facts and circumstances which lead to the alleged conversations, it would appear that there was a two-sided discussion taking place. How then can you file formal charges without putting this conversation into the context of the discussion? If you have a more detailed version of the occurrence, then why are they not contained within the notice of formal charges?

I personally find it hard to believe that such allegations are true or have substantial merit. While I am shocked by the factual nature of the allegations, I am even more shocked that the supposed man behind these allegations would be Judge Todd. Judge Todd is a man with a humorous, intellectual, kind and caring spirit. While I am sure that you will take statements from all witnesses involved, please bear in mind that sheriff's deputies often stick together and may have issue with a judge who often took a little longer with a defendant who appeared not to understand or had a difficulty with the language.

I also believe that Judge Todd's record of service to his community and his devotion to the bench will speak for itself. I am also a true believer that the truth will come to light. I am confident that if you take a good look at what is actually before you, of what good things people have to say about Judge Todd, and then take a further look at the fine Judge's record, you will see that he is just the type of jurist that Orange County and the State of Florida needs more of.

Yours truly,

A handwritten signature in black ink, appearing to read 'JB Kelly III', with a long vertical line extending downwards from the signature.

James Burnett Kelly, III

personable, polite and enjoyable person. He always had a kind word to offer and was a joy to be around because of his quick wit.

5. After Alan C. Todd was appointed to the Bench, I began to appear in front of him regularly since the bulk of my practice at the time was in County Court. Over the years I have watched Alan C. Todd preside over arraignments, pleas, pre-trial motion hearings, pre-trial conferences, informal plea discussions, trials and sentencings. One of the most compelling conclusions that an observer of Judge Todd's courtroom would make is that Judge Todd is exceedingly concerned about the unrepresented citizen who is accused of a crime or civil traffic infraction. He strives to make sure that anyone who decides to enter a plea, with or without the assistance of counsel, has a full understanding of their rights and what it means to be adjudicated guilty of a criminal offense or to have adjudication of guilt withheld. During arraignment proceedings when the courtrooms are filled with literally hundreds of unrepresented people who have appeared to answer to various criminal charges, Judge Todd takes special time to explain to the group as a whole and to each of them as they make decisions on how to resolve their cases, about the impact of criminal convictions on their lives, and about the need to enter into these decisions after careful deliberation. It is rare for a trial judge in our area to spend so much time with the unrepresented when, usually, no one is around to notice. In other words, Judge Todd takes the time with these people when there are usually no lawyers in the courtroom which tells me that he is not going through this litany to impress others but rather, to educate these citizens who have had the misfortune of having to be in court.

6. During the course of my observation with Judge Todd I have noticed his

compassion for minorities and the underprivileged, especially when they are brought before the court largely as a result of something traceable to economics. For instance, years ago Judge Todd was the first to point out to me that one of the most frequent problems he saw in County Court was the appearance of minorities on charges of driving while license suspended. Judge Todd has determined that the reason that most of the minorities appeared in court on driving while license suspended charges is because they had failed to pay a ticket which lead to the suspension of their license. The failure to pay the ticket was usually due to a lack of economic resources. This also lead to the creation of many habitual traffic offenders which resulted in five year driver license revocations and ultimately a very vicious cycle which was difficult from which to escape. Judge Todd developed the idea of a driving while license suspended school to help educate those who found themselves in this situation and that school has been in operation now for several years, to the best of my knowledge.

7. Judge Todd is one of the most genteel personalities one could ever come across. He is constantly going out of his way to introduce new lawyers in his courtroom to the prosecutors and new prosecutors in his courtroom to the lawyers who appear there regularly. He demands courtesy and professionalism from the lawyers who appear before him. He constantly encourages settlement discussions and open communication between the parties in hopes the cases can be resolved without the need of a trial. He is very successful in fostering meaningful conversation between the State Attorney's Office and defense lawyers and even though those conversations do not always lead to negotiated outcomes, much is accomplished simply by the parties engaging in open conversations. I have read the Notice of Formal Charges in the

above-referenced matter and am aware of the allegation that Judge Todd has exhibited a pattern of making rude, intemperate and demeaning comments between the time frames of 2001-2004. I can categorically state that in my entire time of appearing before Judge Todd which includes the time frame before 2001 to 2004 and thereafter, at no time has he ever exhibited a pattern of making rude, intemperate or demeaning comments. Even if I were to assume that the statements referred to in the Notice of Formal Charges attributed to Judge Todd were accurate and in context, I can tell you that they do not represent the pattern of Judge Todd's behavior. To the contrary, Judge Todd is exceedingly hospitable, not rude, not intemperate; in fact, just the opposite and, I personally have never seen him act rude, intemperate or make a demeaning comment in my hundreds of appearances before him.

8. I have seen Judge Todd interact with court personnel which include the court clerks, court reporters and court deputies, prosecutors, defense attorneys, defendants, witnesses and observers. The overriding observation of his interaction with all of these people is friendliness. I have often heard Judge Todd strike up a conversation with a witness or defendant or even a relative of a defendant who is appearing just as an observer, regarding genealogy or geography. Judge Todd has a hobby of studying genealogy and is tremendously knowledgeable about genealogical history, geography, and history in general. He is a wonderful conversationalist and usually has the effect of making everyone in the courtroom feeling comfortable as opposed to fearful and intimidated. By the same token, I have seen Judge Todd sentence people to jail where appropriate, issue warrants for arrests where appropriate. I do not mean to communicate that he is incapable in any way of exercising his responsibilities. I

simply mean to communicate that he exercises his responsibilities in a friendly, caring, and deliberate way. He is very careful not to issue warrants where there is some question about whether the person was properly noticed. He takes his responsibility in sentencing very seriously, yet is capable of imposing jail time or extending leniency as he exercises his judicial discretion in that regard.

9. I have had the opportunity of interacting with Judge Todd off the Bench. I have attended both of his children's weddings. I know Judge Todd to be a regular attendee of All Saints Episcopal Church. He is a God fearing, decent man of high moral character in our local community. I am proud to know him and call him a friend. He has successfully raised two children, both of whom graduated from college and graduate school. His children were never in trouble with the law. He has been successfully married to the same woman for over 35 years.

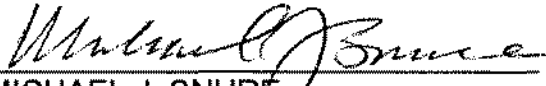
10. I have seen Judge Todd interact with literally hundreds if not now thousands of litigants who have appeared in his courtroom for either arraignment, pre-trial hearing, contested motion hearings, pre-trial conferences or trials. At no time during the course of my career have I ever seen Judge Todd be rude, offensive, or otherwise treat anyone appearing before him with anything other than courtesy and respect. In fact, Judge Todd is known for fostering professionalism, courtesy and respect in his courtroom among the litigants and lawyers.

11. Even if the Commission finds that the statements attributable to Judge Todd are accurate and in context, I do not believe that they represent the Judge Todd that the majority of us appear before on a regular basis. Those comments do not reflect his normal behavior, nor do they reflect any pattern of behavior that one could observe

12. Our Ninth Judicial Circuit Court has successfully integrated the Bench with representatives of many of our ethnic backgrounds which populate our community. We have a number of judges of both genders. We also have a Bench that ranges from liberal to very conservative in political, judicial and social philosophy. Judge Todd is an integral part of this diverse Bench. Ideological and philosophical beliefs contribute to the very diversity needed for the Bench to remain representative of our community. To the extent that Judge Todd has overstepped bounds of propriety in communicating some of his personal beliefs, I know that he is truly remorseful and is amenable to counseling to learn how to avoid such unfortunate circumstances in the future.

13. Judge Todd is a valued member of our judiciary. Our Bench would be weakened in his absence.

FURTHER AFFIANT SAYETH NOT.


MICHAEL J. SNURE
KIRKCONNELL, LINDSEY, SNURE
& YATES, P.A.
1150 Louisiana Avenue, Suite 1
P.O. Box 2728
Winter Park, FL 32790-2728
Telephone: (407)644-7600
Florida Bar No. 363235

SWORN TO AND SUBSCRIBED before me by
Michael J. Snure, this 5th day of September, 2005.


NOTARY PUBLIC, STATE OF FLORIDA
AT LARGE



Rhonda L. Miller
My Commission DD290463
Expires February 12, 2008

My Commission Expires: 2/12/08
Printed or Typed Name: Rhonda L. Miller
Personally Known ☒ Produced I.D. ☐
Type of I.D. Produced: _____
Took Oath ☒ Yes ☐ No